

Exhibit A

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

SCANSOFT, INC.,

Plaintiff

vs.

Docket No. 04-10353-PBS

VOICE SIGNAL TECHNOLOGIES,

INC., et al.,

Defendants

MEETING WITH NEUTRAL EXPERT

Friday, March 24, 2006, 9:10 a.m.

Bromberg & Sunstein LLP

125 Summer Street

Boston, Massachusetts

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COUNSEL'S EYES ONLY"**

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1 PRESENT:

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6 Aachen, Germany

7 as neutral expert

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(All counsel are present in the room with Dr. Ney.)

MR. BROMBERG: We talked about what's next, when we were talking with Professor Ney, and I imagine you did to some extent; but Professor Ney had some ideas and --

DR. NEY: Yes; okay.

So as I said, I think, before, the trade secrets, in my view, concern two aspects: the general method and the details of the implementation. I think, for the general method, I feel right now I have enough information.

Now, for the implementation, I probably need more information. Not that I'm asking for more code -- I think I'm getting actually too much material -- but I need maybe specific, specific parts.

So first of all, these trade secrets that we are discussing, they concern, let's say, functions that you find in any speech recognizer. So my suggestion would be that I could get those specific parts of the code for the VST engine or for the VST programs that we are here discussing that

1 perform these functions.

2 And then at the same time, the technical
3 expert on Scansoft, on the Scansoft side, he has
4 access to the VST code, and he could provide me with
5 those parts of the code that he believes are in
6 conflict with these trade secrets.

7 So I would get two selected pieces of
8 code: one from the VST party, VST side, that is,
9 let's say, addressing these general functions as
10 they are needed in any large-vocabulary speech
11 recognizer; and from the Scansoft side, those parts
12 of the code that Scansoft thinks are in conflict
13 with their trade secrets.

14 Is that okay? That would be my
15 suggestion on how to proceed.

16 MS. COLUMBIA: That's fine with us.

17 MR. LAWRENCE: One clarification: I
18 believe I heard you say -- and I just want to make
19 sure -- that you wanted our expert to identify --

20 DR. NEY: Well, okay; that's one aspect.
21 Again, I do not overlook all these legal aspects and
22 implications, but, I mean, all this business really
23 gets into technical details. I'm not sure it's
24 possible and whether it's really a good idea or not,

1 but if I could talk to the experts on each side,
2 then maybe then the whole thing could be simplified.
3 But maybe that's not possible according to the
4 general procedures.

5 MS. COLUMBIA: I think it's certainly
6 possible for you to talk to the experts on both
7 sides. I think the expert on the Scansoft side, I
8 don't know if it's Dr. or Mr. Goldhor --

9 MR. BROMBERG: Doctor.

10 MS. COLUMBIA: -- who was very involved
11 in preparing the materials from Scansoft, certainly
12 would be very knowledgeable about what's being
13 asserted as a trade secret and about the Dragon
14 code; and we would propose to have probably Bill
15 Byrne, subject to working out whatever objections
16 there are, as an expert on the Voice Signal signal.

17 So you would have the two pieces. You'd
18 have the person most knowledgeable about the Dragon
19 asserted trade secrets and where they're found in
20 the Dragon code, and a person who could speak at
21 your level who would be very knowledgeable about the
22 Voice Signal code.

23 MS. FLEMING: We would agree with that,
24 Sarah. We think it would be most useful to

1 Professor Ney to chew through a lot of the code
2 issues.

3 MR. BROMBERG: I guess that would be
4 consistent with our understanding of --

5 MS. COLUMBIA: The current order.

6 MR. BROMBERG: -- the current order; and
7 I think that we can, by agreement, go with the --
8 maybe a similar kind of ex parte discussion with
9 Professor Ney that includes an independent expert on
10 each side to provide the information that they can
11 provide.

12 I think that, on our side, we do feel a
13 little bit disadvantaged by having Brad Lawrence as
14 the guy who's looking at the VST code and saying,
15 "Here's where we think it is happening," because
16 he's not a speech-recognition expert. He's merely a
17 lawyer, with a pretty good technical background, but
18 he's not a speech-recognition expert.

19 So that does present some difficulty,
20 but maybe it would advance the process here if we
21 went to this kind of proceeding as a next step and
22 see where we come out on it.

23 I understand Professor Ney has
24 expressed, certainly to us and also in the plenary

1 session before, that he's concerned about vast
2 quantity of code to sift through; and is there some
3 way that we can help him whittle down that mass, and
4 say, "Look here, look here, look here"? This is
5 maybe a step in that direction.

6 MS. COLUMBIA: I think it is, and I
7 think now that the categories of trade secrets have
8 been identified, at least to Chris, we can provide
9 to Professor Ney -- and we have to some extent
10 already done that in this book, although our
11 discussion this morning reflected that probably
12 there are other places you would want to look.

13 And we said to Professor Ney that
14 whatever he wants, we'll point him to it; but
15 certainly the piece that you've asked for, for Voice
16 Signal to identify in the code that you have where
17 the functionality is found that's reflected in the
18 categories of trade secrets, it will narrow
19 considerably what you have to look at.

20 We would be happy to do that for you and
21 to provide that to you and to Brad so that he can
22 make sure what we're giving to Professor Ney.

23 So that I don't think -- and we had a
24 version of this discussion as well -- that you have

1 to sort of open up the entire can of worms and just
2 wallow around in it to see what you find.

3 MR. BROMBERG: To mix metaphors.

4 MS. COLUMBIA: Yes.

5 So I agree that, as a next step, for us
6 to do that piece; and then I think the idea of
7 having somebody -- and this is no offense to
8 Chris -- but somebody either from Voice Signal,
9 which probably is not going to be acceptable to you,
10 or an expert separate from Voice Signal, who can
11 answer questions at Dr. Ney's level, or close to it,
12 anyway, and can have more of a back-and-forth with
13 you, would be very useful, about our source code;
14 and I assume that it would be useful to have someone
15 who really is familiar with the Dragon code and the
16 Dragon trade secrets who could engage with him about
17 those trade secrets.

18 DR. NEY: But that could be the second
19 step. The first step would be the -- the temporal
20 procedure, the temporal sequence, first we would
21 start with step one, which would involve selecting
22 these additional -- finding the parts of the code
23 that I mentioned before.

24 Then the second step could be, I'm not

1 sure -- well, we could already plan this expert
2 meeting, already now, or we could wait until I have
3 a look at the specific part of the code.

4 MS. COLUMBIA: I would suggest --
5 actually, I have to go get my calendar, but I would
6 suggest that if we pick a date now that's 30 days or
7 more out, we're more likely to be able to have that
8 meeting sooner than we are if we wait. And if it
9 turns out that you don't need the meeting, we can
10 always cancel it.

11 DR. NEY: Okay.

12 MS. COLUMBIA: Or postpone it. And I
13 know that you mentioned that your academic schedule
14 is quite busy over the next few months.

15 DR. NEY: Yes.

16 MS. COLUMBIA: I think both parties are
17 prepared to travel to Europe to have that meeting.

18 MR. BROMBERG: Yes.

19 MR. FRANK: Let me say one other thing.
20 The Court has imposed or asked that this be done
21 within a 60-day period; but I think we agree that if
22 your schedule is such that that becomes unrealistic,
23 that it's likely that the Court would accommodate a
24 request for additional time.

1 And, yes, I think it's unlikely -- and
2 we are likely, at least on our side, we're certainly
3 likely to agree to that.

4 MR. BROMBERG: We're on the same page
5 there; and in fact, we thought that perhaps the
6 60-day time limit isn't triggered until there's some
7 completion of the briefing from both sides.

8 MR. FRANK: This is a definitional
9 thing; it's a definitional way of extending the
10 case.

11 MR. BROMBERG: But in any event, I think
12 we're on the same wavelength. If we want to make
13 sure, we can file some stipulation with the Court at
14 the appropriate time about what our expectation is.
15 I don't think there would be any problem with the
16 Court.

17 MR. FRANK: I apologize for this,
18 because I was out of the room, and I may be
19 repeating something that was said, but is the next
20 step that Professor Ney will describe the parts of
21 the code that he wants to see, or are we -- in other
22 words, what exactly has happened that will identify
23 what additional materials we're going to provide to
24 him? It may be that he should take a look at what

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1 we have already provided and then state what he
2 wants, and we will provide it.

3 DR. NEY: Yes. Actually, what we
4 discussed in the meeting with -- sorry; I forgot
5 your name.

6 MS. COLUMBIA: Chris.

7 DR. NEY: -- Chris, concerning the three
8 or four functions, yes, these functions that you can
9 find in any recognizer. Maybe I have to write them
10 down again, but I think it's -- okay.

11 MS. COLUMBIA: I was just going to ask,
12 in what form is it most useful to you? We could
13 point you to it in the laptop that you have --

14 DR. NEY: If you tell me where it is
15 there, or if you send me corresponding printings;
16 whatever. Whatever; it does not matter.

17 MS. COLUMBIA: We can do it either way.

18 DR. NEY: Yes, right, right, yes.

19 And then from the other side, those
20 parts of the code where you think the trade secrets
21 are touched upon.

22 MR. BROMBERG: Okay.

23 DR. NEY: Other than that -- I'm
24 repeating this -- I'd say these functions are needed

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1 in any large-vocabulary speech recognizer, and the
2 concepts of the methods are known; so in the end it
3 boils down to looking at the code, I think, or large
4 parts, large -- many questions, I think, can be
5 answered by looking at the code.

6 MS. COLUMBIA: And I have not seen the
7 brief, but it's my understanding that the Scansoft
8 brief on trade secrets actually includes large
9 sections from the Dragon code.

10 MR. BROMBERG: Correct.

11 MS. COLUMBIA: So I presume that Dr. Ney
12 has what he needs from the Dragon code to assess
13 that?

14 Or do you need something more?

15 DR. NEY: Right now, no.

16 MS. COLUMBIA: Okay. I need to get my
17 calendar, but should we maybe put some dates for
18 that submission and see if we can find a date that's
19 appropriate for a follow-up meeting?

20 MR. LAWRENCE: Real quick: One thing I
21 wanted to clarify on this procedure, the
22 identification of the three areas -- Professor Ney
23 is referring to them as three concepts in every
24 single recognizer -- the identification of that in

1 the VST code from VST, that comes first, and then we
2 respond with where we think it is?

3 DR. NEY: No, no; my suggestion was in
4 parallel. It was two questions. A question to
5 Scansoft is, "Where do you think, or what are the
6 parts of the code that are in contradiction with
7 these trade secrets?"

8 And the question to VST is, "Show me
9 those parts of your code where you perform these
10 three functions."

11 MS. COLUMBIA: Is there any reason we
12 can't say the three functions out loud so that --

13 MR. LAWRENCE: No, we --

14 DR. NEY: Basically it's the three --

15 MS. COLUMBIA: The three we talked about
16 were acoustic scoring, hypothesis management and
17 duration modeling.

18 DR. NEY: Right. Duration modeling, I
19 would like to clarify, it's -- as I said before,
20 even if you do not have an explicit duration model,
21 there's still some sort of duration modeling. So
22 how can we call this? This is basically --

23 MR. BROMBERG: You had said during our
24 session, Professor Ney, emission probability scores.

1 Does that capture it?

2 DR. NEY: Yes. Let's say combination of
3 emission probability scores with transition scores.
4 Basically it's the acoustic search; some people
5 would call it acoustic search or acoustic
6 recombination, acoustic merging of hypotheses.

7 MR. FRANK: I'm sorry, sir; would you
8 say those words again?

9 DR. NEY: Merging of acoustic
10 hypotheses. Because the term, duration -- what do
11 you call it?

12 MS. COLUMBIA: Duration modeling.

13 DR. NEY: Duration modeling is maybe a
14 little bit too narrow.

15 MS. COLUMBIA: Can I step out for a
16 moment to get my calendar?

17 (Ms. Columbia left the room and
18 returned; discussion off the record.)

19 MS. COLUMBIA: So we have agreed that by
20 April 7, the parties will make the submissions that
21 Dr. Ney has requested, which are, on Voice Signal's
22 part, to provide him with either pointers to where
23 in the code he has to look or printouts of the code
24 that correspond to the three functionalities that

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1 are covered by the alleged trade secrets -- and
2 we've agreed that those are acoustic scoring,
3 hypothesis management and durational modeling -- and
4 that durational modeling is broad enough to cover
5 things like emission probability scores and
6 transition scores.

7 DR. NEY: Maybe one more modification?

8 MS. COLUMBIA: Yes.

9 DR. NEY: Acoustic scoring should
10 include fast calculation of not-likelihoods.

11 MS. COLUMBIA: Fast calculation of --

12 DR. NEY: Of not-likelihoods, efficient
13 or fast calculation of not-likelihoods, acoustic
14 not-likelihoods.

15 MS. COLUMBIA: And I think we've agreed
16 that those will be materials, not arguments; that
17 what Dr. Ney is interested in is in seeing the code.

18 And on the Scansoft side, Scansoft will,
19 by April 7, provide Dr. Ney with guidance on where
20 it thinks he should look in the Voice Signal code
21 for evidence that Voice Signal has used the Scansoft
22 trade secrets.

23 And we then just agreed to schedule a
24 meeting for May 8, and that the meeting may take

1 place here in Boston or it may take place in
2 Germany, and that that decision will be made
3 sometime later.

4 DR. NEY: I'm sorry; for coming back to
5 the dates, you said the 1st of May would not be
6 possible. Maybe you could write down one or two
7 alternatives, that I have some flexibility. So what
8 about the 28th of April or 5th of May?

9 MS. COLUMBIA: Those are both fine with
10 us.

11 MR. BROMBERG: Those are both problems
12 for me.

13 MS. COLUMBIA: Both problems?

14 DR. NEY: Okay; both problems.

15 MR. BROMBERG: I have a trial starting
16 on April 10, and the question is, will it be done
17 that week or not?

18 MS. COLUMBIA: It probably won't even
19 start, Lee.

20 MR. BROMBERG: No, it's going to start.

21 DR. NEY: So there's no real alternative
22 until the 8th of May.

23 MS. COLUMBIA: There's probably an
24 alternative if we go further out.

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1 DR. NEY: So what about later dates?
2 12th of May?

3 MS. COLUMBIA: Actually, the 12th is not
4 okay for me.

5 DR. NEY: No? Okay. Well, then you're
6 already on the 15th. Again, that's a Monday, the
7 15th of May.

8 MR. BROMBERG: Yes, that's possible.

9 DR. NEY: But that means Fridays are
10 basically not possible. I was looking for some
11 other --

12 MS. COLUMBIA: Did you ask about May 5?

13 DR. NEY: I think you said it's not
14 possible.

15 MR. BROMBERG: May 5 is not good for me,
16 but May 12 is okay. That's the next --

17 MS. COLUMBIA: But I can't do it.

18 DR. NEY: And before May, everything is
19 difficult, yes?

20 MR. BROMBERG: Yes.

21 MS. COLUMBIA: Although I suppose if
22 your trial either doesn't start or finishes early,
23 we can discuss whether there's a way to move the
24 meeting up.

1 MR. BROMBERG: Right.

2 DR. NEY: So to summarize, the only
3 dates we have now is 8th of May, 12th of May and
4 15th of May; is that right?

5 MS. COLUMBIA: The 12th is not
6 available.

7 MR. BELT: May 8 to May 15.

8 MS. COLUMBIA: Looking only at Mondays
9 and Fridays.

10 DR. NEY: So it's only 8th and 15th of
11 May?

12 MS. COLUMBIA: Yes.

13 DR. NEY: Before that is also difficult,
14 and after that is probably too late.

15 MR. FRANK: Yes.

16 DR. NEY: So -- yes; okay.

17 MS. FLEMING: Sarah, did you finish with
18 what's on the record, the dates?

19 MS. COLUMBIA: On the dates.

20 MS. FLEMING: Just one more piece of
21 agreement is that the parties have agreed that each
22 side will allow the other to load tools on for
23 searching on the software that's been delivered by
24 the other side in order to facilitate meeting the

1 deadlines that have been established.

2 MS. COLUMBIA: Yes.

3 DR. NEY: One more question on my side.
4 I'm supposed to look at the specific parts of the
5 code that we were just discussing. What about other
6 parts of the code?

7 MR. FRANK: Let me repeat something that
8 I said out of your presence, and see if there's
9 agreement.

10 I said that it is not our expectation
11 that Dr. Ney would have to search around in the code
12 in general for parts -- assuming that we have
13 actually provided the parts of the code that perform
14 these functions, and your side has actually
15 identified those parts of the code where you believe
16 that your trade secrets are being used, that that is
17 all that Dr. Ney would have to do; that he would not
18 otherwise have to conduct an independent
19 investigation through the code on his own.

20 I think that's the substance of what I
21 said I believed when we were separated, and I want
22 to see if you agree to that.

23 MR. BROMBERG: Reluctantly, we don't
24 agree, because as we were saying to Dr. Ney also

1 during our ex parte session, we have no means for
2 looking at the code other than what he does, to
3 answer the question of there's reason to believe
4 that there's use being made of the trade secrets.
5 So we do not want to foreclose the prospect that we
6 would ask Dr. Ney to look elsewhere in the code.

7 MR. FRANK: I think the question is, how
8 do we make this a task which is subject to being
9 completed, there being an enormous amount of code?

10 MS. COLUMBIA: I doubt that we are going
11 to agree on this topic today; and so maybe an
12 appropriate answer, Dr. Ney, would be that between
13 now and the meeting on May 8 or May 15, all that is
14 being asked of you is to look at the particular
15 portions of the code that each side is directing you
16 to.

17 MR. BROMBERG: Right.

18 MS. COLUMBIA: I understand what Lee is
19 saying, which is he doesn't want to agree now that
20 you'll never have to look at anything else. Whether
21 that's reasonable or not, or whether we can agree on
22 it, I'm not going to comment.

23 But in terms of your planning, I think
24 both parties agree that between now and the end of

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1 that meeting, whether it's the 8th of the 15th, all
2 we're asking you to do is look at the particular
3 portions to which we point you.

4 MR. BROMBERG: We agree with that.

5 DR. NEY: Okay. That's all my
6 questions. Or it answers my question, at least for
7 the moment.

8 MR. BROMBERG: I think we're --

9 MS. COLUMBIA: I think we've done what
10 we can do for today.

11 MR. BROMBERG: Right.

12 MS. COLUMBIA: Let's go off the record.

13 (Discussion off the record)

14 MR. BELT: So the question is that, in
15 the meetings today, we haven't been able to address
16 fully the patent issues in the case that Dr. Ney has
17 been asked to address.

18 So we just want to confirm that we'll be
19 able to make those presentations when we meet the
20 next time, and the question was whether Dr. Ney
21 needed any further information from the parties to
22 help him with the patent.

23 MR. FRANK: Between now and the next
24 meeting.